

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Part 97 of the
Commission's Rules Governing the
Amateur Radio Service to Implement
Changes to Section 97.3-(c)(2)
97.221 Automatically Controlled Digital
Station
97.305 Authorized Emission Types
97.307 Emission Standards, and
97.309 RTTY and Data Emission Codes

FCC Docket No. RM-11392

By W. Lee McVey, P.E.
W6EM
PG-12-19879

To: The Chief, Consumer and
Government Affairs Bureau;
The Chief, Wireless Telecommunications
Bureau

**MOTION FOR AN EXTENSION OF TIME AND TRANSFER TO PROPER
DELEGATED AUTHORITY**

On December 18, 2007, the Consumer and Governmental Affairs Bureau
issued Report 2828, an intended Public Notice of the above Petition for

Rulemaking in the Daily Digest of the Commission. The above Public Notice was issued to ostensibly correct an improper Public Notice issued as a “Counter-Proposal” to a Media Bureau Docket on August 22, 2007.

The Petition addresses matters that are wholly part of 47CFR97. Items involving Part 97, the Amateur Radio Service, have heretofore been handled by the Wireless Telecommunications Bureau; and neither the Media, nor the Consumer and Governmental Affairs Bureaus have had any interest in the content of previous Part 97 issues.

This Petition should have been handled by the Wireless Telecommunications Bureau from the beginning as there was never any ambiguity in the Petition content or the cover letter that accompanied it in its filing package. Its face sheet was properly addressed, as it should have been, to the attention of the Chief, Wireless Telecommunications Bureau.

Additionally, the Media Bureau Public Notice in this matter mistakenly associated the Petition with a Media Bureau Docket, which further muddled the meaning and intent of the filing and discouraged the few who happened to hear of its open Comment period. Were it not for the persistence of its author in appealing the events to the Deputy Secretary of the Commission,

the matter probably would have been left to mildew and decline in a storage box in someone's closet.

Although this Petition was afforded the procedural 30-day Comment period by the original Media Bureau convulsion, it was, in reality, little notice at all. Only sparse comments were received due in large part to the confusion and assignment to the wrong Bureau and its treatment as a counterproposal to another, unrelated Docket.

The latest error in processing this Petition has again resulted in improper and insufficient public notification. Persons interested in Wireless Telecommunications Bureau matters normally do not read Daily Digest items being handled by Bureaus that are not involved with Wireless Telecommunications issues. As such, this latest Public Notice has inadequately served as notice to interested persons of the existence of this Petition. If that were not enough, Consumer and Governmental Affairs Bureau staff have limited the Comment period to only 15 days, which is set to expire on January 2, 2008.

In view of all the above, and based upon the authority granted in Section 1.46 of the Commission's Rules, I hereby MOVE that the Commission consider all Comments received into the record since December 18, 2007, as timely filed

until 30-days following the issuance of a Public Notice by the correct delegated authority, the Wireless Telecommunications Bureau. And that solely the Commission itself or the Wireless Telecommunications Bureau, its normally delegated authority for Amateur Radio Service matters, be assigned the responsibility for this Petition.

Respectfully Submitted this 31st day of December, 2007.

/s/

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